

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 9th day of September 2013 A.D. at 7:00 p.m.

**Moment of Silence for Victims of September 11<sup>th</sup>**

A Moment of Silence was held in memory of the Victims of September 11<sup>th</sup>.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Edward A. Roderick-President</b>	<b>William P. Gerlach</b>
	<b>Denise M. deMedeiros-Vice President</b>	<b>Jay J. Lambert</b>
	<b>James Arruda-Late arrival</b>	<b>Brett N. Pelletier - Absent</b>
	<b>Joan B. Chabot</b>	

Town Administrator, James C. Goncalo and Assistant Town Solicitor Gina DiCenso were also present.

**Approval of Consent Agenda:**

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President Roderick read the items on the Consent Agenda, Councilor Gerlach requested removal of item CA7- Denise Saurette – Monthly Budget and Revenue Reports for July. There were no other removal requests.

Councilor deMedeiros made a motion, seconded by Councilor Lambert to approve the remaining items on the Consent Agenda except for CA7- Denise Saurette – Monthly Budget and Revenue Reports for July. Motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA:**

**A-1-Approval of Minutes of Previous Meetings:**

- a. Approval of Minutes Regular Council Meeting August 26, 2013
- b. Approval of Executive Session Minutes August 26, 2013

**A-2-Receipt of Minutes from the Following Boards, Commissions:**

- a. Historic Preservation Advisory Board
- b. Wastewater Management Commission
- c. Planning Board (2)

**A-3-Correspondence – Receive and File:**

- a. Received from Rebecca Elwell, Coordinator of Tiverton Prevention Coalition – Seeking Volunteers

**A-4-Atty Brian Cunha — Referred to Interlocal Trust Claims Mauricio, Correia, Medeiros**

**A-5-Approval of Tax Assessor Abatements**

**A-6-Kate Michaud – Planning Board Administrative Officer Report of Activities for August**

**A-8-August Monthly Department Report**

**BUSINESS BROUGHT BEFORE THE COUNCIL**

**Denise Saurette – Monthly Budget and Revenue Reports for July**

Councilor Gerlach thanked Treasurer for the new reports, noted the Joint workshop with the Budget Committee coming later this week, questioned if anything was worth noting at this time. Treasurer Saurette stated a little too early for anything of note.

*Councilor Gerlach made a motion, seconded by Councilor Chabot to accept item CA7, Denise Saurette – Monthly Budget and Revenue Reports for July. Motion passed unanimously.*

#### **A-9 - OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS**

Donna Cook, Tiverton resident was frustrated with the Council meeting format, agreed the Council had the right to do it the way they want, found the agenda style to be restrictive. Asked for balance for the public to participate in the meeting. . Barbara Pelletier, on tourism, submitted a report for the next Council meeting, requested attention on the meals tax revenue. Suggested getting the ferry from Fall River to stop in Tiverton.

#### **PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

#### **TOWN COUNCIL SITTING AS BOARD OF LICENSING NON ADVERTISED LICENSE**

##### **Jin Wen Zhang, China Sea Restaurant, 5 Main Road - Requests Approval of Victualling License – Subject To Meeting All Legal Requirements**

Mr. Zhang requested approval of a Victualling License for take-out food. Fire Chief Robert Lloyd recommended approval, noted the applicant met all recommendations.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to approve a Victualling License for Jin Wen Zhang, China Sea Restaurant, 5 Main Road, subject to meeting all legal requirements. Motion passed unanimously.

#### **APPOINTMENTS & RESIGNATIONS:**

#### **UNFINISHED BUSINESS:**

##### **Heidi Swist – Authorization to Hold Motorcycle Run to Honor a Dear Friend on Sunday, October 6th from 9:30a.m. till Noon Beginning at Stafford Pond – Tabled 8/13/13**

Councilor Gerlach questioned if the event was being held at the boat ramp. Town Clerk Mello did not have any further information, only had an email, no one has come in to speak on this request, Clerk did respond to the emails. Councilor Gerlach suggested they contact DEM. Chief Lloyd explained, was contacted in early January by Ms. Swist for a bike run to honor Michael Traficante, recommended contacting the Council, have not had any further contact. Assistant Solicitor DiCenso spoke to Police Chief Thomas Blakey regarding specific routes. President Roderick requested the Clerk contact Ms. Swist to come before the Council at the next meeting.

Councilor Gerlach made a motion, seconded by Councilor Chabot to Table to the next meeting the request by Heidi Swist to hold a motorcycle run on October 6<sup>th</sup>. Motion passed unanimously.

#### **FINANCIAL BUSINESS:**

#### **NEW BUSINESS:**

##### **Town Administrator – Approval of Amendment to Extend Original Agreement With Stone Bridge Water District for Proposed Soccer Complex Land**

Town Administrator Goncalo explained, the agreement with the Stone Bridge Fire District was for land near the New Ranger School for the Recreation Commission soccer complex has expired. The Recreation Commission along with the Water District agreed to extend, request approval extension of the agreement to 2015. John Cordeiro, member of the Rec. Commission, explained this is to move forward, need to have the funds in place

and a plan laid out, extension is for 2 years. Assistant Solicitor did review; no risk to the Town, extension is to keep control of the project. Sally Black, School Committee Chair noted on 8/13 the School Committee voted to let the Rec. Commission tie in to the new septic system, would need DEM approval.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Amendment to Extend Original Agreement with Stone Bridge Water District for Proposed Soccer Complex Land. Motion passed unanimously.

### **BIDS AND REQUESTS FOR PROPOSALS:**

#### **DPW Director Steve Berlucchi – Request Approval of Bid Award for Purchase of Mack Truck to Ballard Mack S&S of Johnston, RI for \$193,500**

DPW Director Berlucchi explained, analyzed the bids opened on August 22<sup>nd</sup>, found one Freightliner to be under powered and the other one did not have a galvanized steel cab as required. The International truck was undersized for the rear axle. Recommend approval for the Mack GU712 for \$193,500 which was \$6,600 over the highest bidder. The Mack is a 25 year truck, funds within the budget, expects to receive it in 4 months.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to Award the Bid for Purchase of Mack Truck to Ballard Mack S & S of Johnston, RI for \$193,500. President Roderick questioned if the payments were for 5 years, T/A Goncalo affirmed. President Roderick requested amended motion. Councilor Chabot amended the motion, seconded by Councilor deMedeiros to include payment over 5 years. Motion passed unanimously.

### **TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:**

1. Sat. 9/21, DPW Hazardous Waste Drop Off. Call 401-942-1430 ext. 241 for appointment.
2. Sept. 9/24, 10:00 a.m. will receive recycling checks from Resource Recovery, don't know amount.
3. Spectrum Gas will not be extending the gas line to Little Compton.
4. Major construction project on East Side of the Braga Bridge, will affect traffic. Ground breaking this Friday at 1pm at Heritage Park. The \$1.97 million project will take 3.5 years.

### **COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Gerlach noted according to the Comp Plan schedule put together by Kate Michaud, Planning Board Administrative Officer, the Comp Plan committee should be meeting soon. Questioned if there were enough volunteers, Town Clerk Mello explained the Solicitor was working on bringing back that resolution to the Council. Councilor Gerlach requested that be put on the next agenda. Councilor Chabot noted the Arts Committee was having a reception Sunday, September 22nd from 4-6 pm on photographs by Nancy Driggs.

### **TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

#### **Solicitor Memorandum Regarding Earth Removal (Quarry) Licenses and Blasting Update**

Assistant Solicitor DiCenso explained the Solicitor Memorandum, have received some complaints regarding blasting. One entity doing some blasting not recognized as conforming use, arguable. Site Ready (LAL) and the Town, currently in litigation over that and other zoning issues. The Town agreed if they would cease recycling the Town would not enforce other litigation during pendency of the recycling litigation. The second quarry operation was not operating and was in receivership, recently back in pipeline. Moving forward with forms being finalized for license renewals due by end of November. That being said, noise complaints should go to the State Fire Marshal's Office.

**Distribution and Scheduling of Public Hearing for Proposed Foreclosed and Vacant Properties Ordinance on October 15th**

A Proposed Ordinance for Foreclosed and Vacant Properties was distributed in Council packets. The ordinance is for keeping track of property owners, making sure property is maintained. This new ordinance would apply to both commercial and residential properties; public hearing would be on October 15<sup>th</sup>.

**Added for Discussion Only – Sakonnet Bridge Toll Litigation**

Councilor deMedeiros made a motion, seconded by Councilor Chabot to add to the agenda for discussion only, Sakonnet Bridge Toll Litigation. Motion passed unanimously.

Assistant Solicitor DiCenso distributed copies of the most recent pleading filed; Tiverton has a previous Motion to Intervene not yet decided. Portsmouth is leading the case filed to allow amending the complaint. Paragraphs 45, 46 and 47 updated the complaint regarding what has happened since initial filing with respect to legislation, State action and tolls, expect to be scheduled soon.

**TOWN CLERK ANNOUNCEMENTS:**

Town Clerk Mello reminded Council the Workshop is on Thursday, Sept. 12<sup>th</sup> with the Budget and School Committees at the High School library at 6:30 pm. This was distributed with these packets.

**CLOSED EXECUTIVE SESSION:**

**1. Town Administrator – 42-46-5(a) (5) - Acquisition of Real Property for Public Purposes**

**2. Town Council – Personnel Performance – 42-46-5(a) (1) – Town Administrator – James Goncalo**

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (5) - Acquisition of Real Property for Public Purposes. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to continue in Closed Executive Session pursuant to 42-46-5(a)(1) – Town Administrator – James Goncalo – Personnel Performance. Motion passed unanimously. For the record Mr. Goncalo was noticed and requested discussion in Executive Session.

The Council entered into Executive Session at approximately 7:35 p.m.

The Council returned to Open Session at approximately 9:25 p.m.

**OPEN SESSION:**

In Open Session President Roderick announced no formal action had been taken in Executive Session.

Councilor Arruda motioned to seal the minutes of Executive Session, seconded by Councilor deMedeiros. Motion passed unanimously.

**ADJOURNMENT:**

Councilor Chabot motioned to adjourn, seconded by Councilor deMedeiros. Motion passed unanimously.

Council adjourned at approximately 9:30 p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk